

LEGAL PRACTICE TRIBUNAL

de JERSEY CJ

MR M WOODS
DR S DANN

No 1723 of 2007

LEGAL SERVICES COMMISSIONER

Applicant

and

MATTHEW JOHN CLAIR

Respondent

BRISBANE

..DATE 19/03/2008

ORDER

THE CHIEF JUSTICE: The respondent has been served with a discipline application and has indicated that he does not intend to appear. He has not appeared. The Tribunal has determined to proceed in his absence as it may do under section 647(1) of the Legal Profession Act 2007. The respondent has been given sufficient notice of the hearing.

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The respondent was made aware of the amendment to be sought to the application and indicated that he would not oppose that amendment. The application has been amended as sought.

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The respondent is a 28 year old solicitor. He pleaded guilty in the Magistrates Court on 6 December 2007 to three counts of fraud through the misappropriation of clients' money. The offences occurred between April and July 2006. The amounts misappropriated totalled \$4,247.11. The clients paid the respondent at his request and he then misappropriated the funds and spent them for private purposes. The Magistrate recorded convictions and placed the respondent on a 12 month bond. The respondent was sentenced on the basis that he would be struck off. His legal representative put the case before the Magistrate on that basis. The respondent has obtained other employment outside the legal profession. Part of the explanation for his offending rested in stress associated with the breakup of his family.

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The respondent pleaded guilty in the Magistrates Court and cooperated with the applicant. He was comparatively young and

inexperienced at the time of the offending and is remorseful.
But seriously dishonest conduct of this criminal character
committed three times over a three-month period and involving
the misappropriation of clients' money bespeaks unfitness for
legal practice. The only appropriate order is that the
respondent be struck off.

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The Tribunal orders that the name of the respondent be removed
from the roll and that the respondent pay the applicant's
costs of and incidental to the application in an amount to be
assessed if not agreed.

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